

Message Text

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SUBJ: GOC STATEMENTS ON TENURE IN OFFICE, CONSTITUTIONALITY, AND HUMAN RIGHTS

1. SUMMARY: RECENT STATEMENTS FROM GOC LEADERS ILLUSTRATE GOVERNMENT THINKING IN AREAS OF DURATION OF MILITARY IN POWER, APPLICABILITY OF CONSTITUTION, AND HUMAN RIGHTS. PRESIDENT PINOCHET REITERATED JUNTA'S INTENTION TO STAY IN OFFICE UNTIL BASIC SOCIETAL RESTRUCTURING HAS BEEN ACCOMPLISHED. UNDER SEC. FOREIGN AFFAIRS VALDES ARGUED THAT, WITH A FEW EXCEPTIONS, CONSTITUTIONAL GUARANTEES ARE IN FULL EFFECT, TORTURE HAS BEEN EFFECTIVELY PROHIBITED, AND SECURITY AGENCIES HAVE BEEN SINSTRUCTED TO PROVIDE FREE CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS. SUPREME COURT PRESIDENT URRUTIA CLAIMED IN EFFECT THAT THERE ARE NO SERIOUS HUMAN RIGHTS VIOLATIONS IN CHILE. END SUMMARY.

2. ADDRESSING FEB. 28 MEETING OF MIDDLE-LEVEL LEADERS OF NATIONAL YOUTH SECRETARIAT FRESH FROM SUMMER CAMP, PINOCHET STATED: "THIS IS NOT A GOVERNMENT DESIGNED TO RESOLVE A SHORT-TERM EMERGENCY -- THIS IS A GOVERNMENT OF NATIONAL SALVATION WHOSE MISSION IS TO TAKE THE COUNTRY OUT OF THE LIMITED OFFICIAL USE

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STATE OF CHAOS IN WHICH IT HAS BEEN SUBMERGED FOR MANY

YEARS...THE PRESENT GOVERNMENT WILL NOT ACT AS A SIMPLE VACUUM CLEANER TO CLEAR THE WAY FOR THE RETURN OF THE POLITICIANS...THE GOVERNMENT (IN THE FUTURE) WILL BE OF YOUNG PEOPLE WHO ARE WELL PREPARED AND WHO HAVE GOOD INTENTIONS. THEY WILL RECEIVE A STATE WHICH IS ABSOLUTELY CLEAN."

3. IN INTERVIEW WITH "EL MERCURIO" PRINTED MARCH 1, UNDERSEC FOREIGN AFFAIRS COL. ENRIQUE VALDES MADE FOLLOW-INF POINTS:

(A) CONSTITUTIONALITY --- EXCEPT FOR SOME "EMERGENCY MEASURES" SUCH AS SUSPENSION OF ELECTIONS, THE CHILEAN CONSTITUTION REMAINS IN "FULL EFFECT", INCLUDING SUCH AREAS AS PUBLIC LIBERTIES, RIGHTS OF CITIZENS, AND UNFETTERED FUNCTIONING OF JUDICIAL SYSTEM AND CONTROLLER GENERAL'S OFFICE. AS INTERNAL NORMALITY IF REESTABLISHED, THESE EMERGENCY RESTRICTIONS WILL BE ABOLISHED. THE GOVERNMENT DESIRES A FULL RETURN TO CONSTITUTIONAL NORMALITY; FURTHER, AS GEN. PINOCHET HAS REPEATEDLY SAID, ONE THE COUNTRY HAS RECOVERED ITS NORMALITY AND ONCE THE GOALS AND OBJECTIVES OF THE GOVERNMENT HAVE BEEN ACCOMPLISHED, THE ARMED FORCES WILL NOT HESITATE IN RETURNING TO THEIR OWN PROFESSIONAL ACTIVITIES.

(B) TORTURE - "THE PRESIDENT OF THE REPUBLIC HAS ISSUED SPECIFIC INSTRUCTIONS THAT DETAINEES RECEIVE DIGNIFIED TREATMENT AND IN NO CASE BE SUBJECTED TO PRESSURES (APREMIOS) OF ANY KIND. I CAN CATEGORICALLY AFFIRM THAT THE SECURITY SERVICES ARE RIGOROUSLY COMPLYING WITH THESE CLEAR INSTRUCTIONS."

(C) CONSULAR ACCESS -- "THE GOVERNMENT HAS ISSUED SPECIFIC AND CLEAR INSTRUCTIONS TO THE SECURITY AUTHORITIES FOR STRICT COMPLIANCE WITH THE PROVISIONS OF THE (VIENNA CONSULAR) CONVENTION (RELATING TO CONSULAR ACCESS)". WE HAVE EVEN GONE FURTHER THAN THAT BY ALLOWING FOREIGNERS, INCLUDING DUAL NATIONALS, CHARGED WITH SERIOUS INTERNAL SECURITY OFFENSES TO LEAVE CHILE.

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4. IN OPENING JUDICIAL YEAR MARCH 1. SUPREME COURT PRESIDENT ENRIQUE URRUTIA CITED THE LARGE NUMBER OF FOREIGN DELEGATIONS WITH WHOM HE HAD MET RE HUMAN RIGHTS, AND THEIR FREQUENT SUBSEQUENT FAILURE TO REPORT SITUATION AS HE HAD EXPLAINED IT TO THEM. URRUTIA NOTED THAT, EXCEPT FOR CONGRESS, ALL CHILEAN GOVERNMENTAL INSTITUTIONS ARE FUNCTIONING NORMALLY, INDEPENDENCE OF JUDICIARY IS RESPECTED, AND ALL CONSTITUTIONAL GUARANTEES ARE IN EFFECT EXCEPT THOSE LIMITED

BY STATE OF SIEGE. DETENTIONS HAVE BEEN LEGAL, "THERE ARE NO FIRING SQUADS NOR IRON CURTAINS," AND RIGHTS ENUMERATED IN UNIVERSAL DECLARATION OF HUMAN RIGHTS HAVE BEEN FULLY HONORED. "CHILE IS NOT A LAND OF BARBARIANS."

5. COMMENT: THESE STATEMENTS, ALL WITHIN A FEW DAYS OF EACH OTHER, CONTAIN NO NEW THOUGHTS BUT DO PROVIDE GOOD EXAMPLES OF GOC'S PUBLIC THINKING ON PRIM SUBJECTS OF INTEREST. MERE DECLARATIONS BY JUNTA SPOKESMEN AND APOLOGISTS THAT THERE ARE NO SERIOUS HUMAN RIGHTS PROBLEMS IN CHILE, INCLUDING THE USE OF TORTURE, HOWEVER, WILL NOT IN THEMSELVES CONVINCE OUTSIDE INVESTIGATORS THAT THIS IS THE FACT.

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